

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this special use permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2012-0013

Approved by Planning and Zoning: March 30, 2012

Permission is hereby granted to: Noe Landini and Franco Landini

to use the premises located at: 105, 107, 109 King Street

for the following purpose: see attached report

It is the responsibility of the special use permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

3/30/12
Date

Faroll Hamer / Ba
Faroll Hamer, Director
Department of Planning and Zoning

DATE: March 27, 2012

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2012-0013
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Noe Landini and Franco Landini
Location: 105, 107, and 109 King Street
Zone: KR/King Street Urban Retail

Request

Special Use Permit #2012-0013 is a request to change ownership of an existing restaurant from Glenna Giovannoni to Noe and Franco Landini. The applicant will continue operating two restaurants at the site under one Special Use Permit. A seafood restaurant known as The Fish Market will operate on all floors of 105 and 107 King and the second floor of 109 King. Pop's, an ice cream shop, will operate on the first floor of 109 King Street. No other changes to the operation of the business are proposed.

Background

A restaurant has operated in part of the subject tenant space since 1976. An addition to the then-grandfathered business was approved by City Council in 1985 (SUP#1820). Approval of SUP#2004-0072 consolidated all restaurant operations at 105-109 King Street under one Special Use Permit. Most recently, City Council approved SUP#2007-0063 for a seating increase at the site.

In 2010, as part of its routine inspection program, staff observed two minor violations of SUP conditions regarding the posting of parking information and hours of operation. Both violations were corrected.

Staff again visited the site as part of its routine inspection program in February 2012 and, upon finding that Ms. Giovannoni no longer operated the business, it required Mr. Landini to submit this application for a change of ownership. No other violations of the conditions of Special Use Permit #2007-0063 were observed.

As a result of a neighbor concern regarding the lack of screening of rooftop HVAC equipment at the applicant's adjacent restaurant (known as Landini Brothers Restaurant) at 113-117 King, staff observed that existing rooftop screening at the subject restaurant was not historically appropriate for the building. Staff has worked with both the applicant and neighbors toward the most appropriate treatment for this equipment in both locations

and, although a final solution has not been reached at this time, the applicant has been diligently pursuing the matter at staff's request.

Parking

The subject property is located within the Central Business District (CBD). According to section 8-300(B) of the Zoning Ordinance, restaurants located within the CBD are exempt from parking requirements.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Civic Association, King Henry Court Civic Association and Founder's Park Civic Association were sent an e-mail with information about the current application. Staff has received one comment from an Old Town resident requesting that the applicants be prohibited, as a new condition of the SUP, from creating an internal doorway between the subject restaurant and the restaurant they own immediately next-door.

Staff Action

Staff does not object to the change of ownership request. The applicants, who have already assumed ownership of the restaurant, do not plan on making any changes to the operation of the business aside for minor interior and exterior renovations. With regard to the possibility of creating an internal doorway between the two adjoining restaurants the applicants own, staff has not included any special condition language on the matter because any such doorway or opening would be considered an intensification requiring subsequent Special Use Permit approval.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: March 30, 2012

Action: Approved


Barbara Ross, Deputy Director

Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2012-0013

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP2004-0072)
2. **CONDITION AMENDED BY STAFF:** Indoor seating shall be provided for no more than 334 patrons. An additional 100 seats are allowed only for banquets, special events (major city festivals and parades) and tour groups, and an additional 10 seats are allowed only for seasonal outdoor dining. Beyond these 10 additional outdoor dining seats, additional outdoor seating may be provided subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. (PC) (P&Z) (SUP#2007-0063)
3. Condition deleted. (P&Z) (SUP2004-0072)
4. The closing hour shall be no later than 12:00 midnight on Sunday, and 1:00 A.M. Monday through Saturday. (P&Z) (SUP2004-0072)
5. That no food, beverages, or other material be stored outside. (P&CD) (SUP#1820)
6. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP2004-0072)
7. Trash and garbage shall be collected daily when the business is open. (P&CD) (SUP#1820)
8. Condition deleted. (P&Z) (SUP2004-0072)
9. The applicant shall maintain a parking arrangement with area garages, by which the regular parking price at those garages is discounted by at least \$1 for customers. The applicant shall post information regarding the availability of parking at those garages for patrons at the restaurant. (PC)
10. Condition deleted. (PC) (SUP2004-0072)
11. Prior to a banquet or special event, the applicant shall provide to the guests information regarding the location, hours and fees at area parking garages. (P&Z) (SUP2004-0072)
12. The applicant shall require that its employees who drive to work use off-street parking. (P&Z) (SUP2004-0072)


13. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (SUP2004-0072)
14. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses, such as the Park Alexandria program, that is formed as a result of suggested parking strategies in the King Street Retail Study. (P&Z) (SUP2004-0072)
15. Condition deleted.
16. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP2004-0072)
17. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP2004-0072)
18. Indoor live entertainment shall be permitted to the extent that no amplified sound is audible outside the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (SUP2004-0072)
19. On-site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z) (SUP2004-0072)
20. **CONDITION SATISFIED AND DELETED:** ~~In order to breach the existing fire wall between 107 and 109 King Street, each parcel must be combined and recorded as one single parcel or the parcels shall comply with the fire separation requirements of the USBC and shall be maintained subject to the approval of the Director of Code Enforcement. (Code Enforcement) (P&Z) (SUP2004-0072)~~
21. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP2004-0072)
22. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP2004-0072)

23. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES) (SUP2004-0072)
24. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP2004-0072)
25. No delivery service shall be permitted. (P&Z) (SUP2004-0072)
26. **CONDITION AMENDED BY STAFF:** The applicant shall contact the ~~Crime Prevention Unit~~ Community Relations Unit of the Alexandria Police Department at ~~703-838-4520~~ regarding a security survey for the business and a robbery awareness program for all employees. (Police) (~~SUP2004-0072~~)
27. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department. (Health) (SUP2004-0072)
28. **CONDITION AMENDED BY STAFF:** The applicant shall conduct employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, ~~as well as ongoing training for sales of and on how to prevent underage sales of alcohol to minors.~~ (P&Z)(~~SUP2004-0072~~)
29. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after ~~it has been operational for one year~~, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (~~SUP#2007-0063~~)
30. The applicant shall ensure that buses park in designated spaces. (PC) (SUP2004-0072)
31. **CONDITION DELETED BY STAFF:** ~~Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES) (SUP#2007-0063)~~

32. **CONDITION SUPERCEDED BY STATE LAW AND DELETED BY STAFF:** ~~The applicant shall comply with any requirements adopted as a part of a smoke free restaurant ordinance. (P&Z) (SUP#2007-0063)~~

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2012-0013. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurants at 105, 107, 109 King Street.



Applicant - Signature

10.10.12

Date

NOE LANDING

Applicant - Printed

10.10.12

Date